

(PRE-FILED)

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By: **Chairman, Judicial Proceedings Committee (By Request -  
Departmental - Juvenile Services)**

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services - Community Detention - Escape from Confinement**

3 FOR the purpose of clarifying the provisions concerning escape from confinement by  
4 juveniles; and generally relating to escape from confinement.

5 BY repealing and reenacting, without amendments,  
6 Article - Criminal Law  
7 Section 9-401(a) and (f)  
8 Annotated Code of Maryland  
9 (2002 Volume and 2003 Supplement)

10 BY repealing and reenacting, with amendments,  
11 Article - Criminal Law  
12 Section 9-405(a)  
13 Annotated Code of Maryland  
14 (2002 Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Criminal Law**

18 9-401.

19 (a) In this subtitle the following words have the meanings indicated.

20 (f) "Place of confinement" means:

21 (1) a correctional facility;

22 (2) a place identified in a home detention order or agreement;

23 (3) a facility of the Department of Health and Mental Hygiene;

1           (4)     a detention center for juveniles or a facility for juveniles listed in  
2 Article 83C, § 2-117(a)(2) of the Code;

3           (5)     a place identified in a juvenile community detention order; or

4           (6)     any other facility in which a person is confined under color of law.

5 9-405.

6     (a)     (1)     A person who has been lawfully arrested may not knowingly depart  
7 from custody without the authorization of a law enforcement or judicial officer.

8           (2)     A person may not knowingly fail to obey a court order to report to a  
9 place of confinement.

10          (3)     A person who is serving a sentence in a home detention program  
11 other than the Division of Correction home detention program under Title 3, Subtitle  
12 4 of the Correctional Services Article may not knowingly:

13                   (i)     violate any restriction on movement imposed under the terms of  
14 the home detention order or agreement; or

15                   (ii)    fail to return to a place of confinement under the terms of the  
16 home detention order or agreement.

17          (4)     Except as otherwise punishable under § 9-404(b) of this subtitle, a  
18 person may not escape from:

19                   (i)     a detention center for juveniles or a facility for juveniles listed  
20 in Article 83C, § 2-117(a)(2) of the Code; or

21                   (ii)    a place [of confinement] IDENTIFIED IN A JUVENILE  
22 COMMUNITY DETENTION ORDER.

23     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2004.